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Edmund G. Brown Jr.
Governor

November 25, 2014

Mr. Enrique Manzanilla
Director, Superfund Division
United States Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, California 94105

PETITION TO CONDUCT A PRELIMINARY ASSESSMENT OF HAZARDOUS SUBSTANCE RELEASES IN THE NORTH ORANGE COUNTY BASIN GROUNDWATER PLUME AREA

Dear Mr. Manzanilla:

Under the authority of Section 105(d) of the Comprehensive Environmental Response, Liability, and Compensation Act, as amended (CERCLA), the Department of Toxic Substances Control (Department) hereby requests that Region 9 of the United States Environmental Protection Agency (U.S. EPA) conduct a preliminary assessment of the releases of hazardous substances in the North Orange County Groundwater Basin (North Basin). The North Basin supplies water to 22 cities and approximately 2.4 million residents of California. The location of the releases can be described generally within a groundwater contaminant plume area approximately four miles long and two miles wide, and includes smaller co-mingled or isolated plumes. The larger contaminant plume area is depicted on the map enclosed hereto as Exhibit A.

Within the larger contaminant plume area, it is believed that industrial businesses released hazardous substances, most importantly volatile organic compounds (VOCs), in the shallower aquifer. These facilities are believed to have contributed to the following releases:

Plume 1: This area is bounded by Highland Avenue to the east, Commonwealth to the north, Valencia to the south, and Woods Street to the west. This is the westernmost plume. Fullerton Manufacturing is located towards the eastern boundary of the plume.

Plume 2: This area is bounded by Acacia to the east, Orangethorpe Avenue to the south, Commonwealth to the north, and Harbor Boulevard to the west. This is the largest plume. The sites that are part of the State's evaluation are CBS/Fender, MAG Aerospace, and Chicago Musical Instruments.

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Plume #3: This area is bounded by the 57 Freeway to the east, Kimberly to the south, State College to the west, and Valencia to the north. The sites being evaluated by the State include Aerojet, Alcoa, and Mark VI.

Plume #4: This area is bounded by Walnut Via to the east, Orangethorpe to the south, halfway west between Harbor and Lemon, and Balcom Avenue to the north. The sites being evaluated by the State include Northrop Y-12, Moore Wallace, and Kester Solder.

Plume #5: This area is bounded by Acacia to the east, Orangethorpe to the south, Raymond Avenue to the west, and Kimberly to the north. The sites being evaluated by the State include Arnold Engineering.


Plume #6: This area is bounded by Acacia to the west, State College to the east, Kimberly to the north, halfway south between Orangethorpe and the 91 freeway. The sites being evaluated by the State include Crucible Material.

As Trustee for natural resources within its purview, including the waters of the State, the Department has responsibility for the protection of the waters of the State in the North Basin. The Department is therefore affected by the subject hazardous substance releases, which threaten a significant portion of the groundwater resources in the North Basin.

The Department and the California Regional Water Quality Control Board for the Santa Ana Region are actively involved in investigation and remediation of hazardous substance releases in the North Basin groundwater contaminant plume area. However, it is clear that the magnitude of the hazardous substance releases involved, and the threats that they pose to the public health and welfare, and to the environment, warrant consideration for the National Priorities List. Therefore, the State agencies believe that the U.S. EPA should assume responsibility for response actions in the North Basin under the authority of CERCLA, in coordination with the affected State agencies and the Orange County Water District.

Please feel free to contact me at (916) 324-3148 if you have any questions.

Sincerely,



Stewart W. Black, P.G.
Deputy Director
Brownfields and Environmental Restoration Program

Enclosure

cc: See next page.

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cc: (sent via email)

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ACTION ITEMS

Orange County North Basin Task Force OCWD, RWQCB, DTSC, and EPA Thursday, November 13, 2014

1. DTSC has a new Director, Barbara Lee. Stewart Black needs additional time to discuss the lead agency issue with the new Director and CalEPA. Both DTSC and EPA say they have the resources to be the lead agency for the OCWD interim remedy RI/FS. The regulatory agencies will make a decision on the lead agency for the OCWD interim remedy RI/FS by the end of calendar year 2014. In the meantime, DTSC commits to a technical review of the OCWD interim remedy RI/FS.
2. DTSC, RWQCB, and OCWD will meet to discuss the scope of the OCWD interim remedy RI/FS. Vapor intrusion is a major issue for DTSC and will be part of this discussion.
3. The attorneys reached conclusions about the legal authority of DTSC v. RWQCB v. EPA, but Steve Koyasako was unable to brief Stewart Black. Black will meet with Koyasako to discuss his conclusions.
4. On South Basin, DTSC, RWQCB, and OCWD will meet to discuss the “central lobe.” This will be a technical meeting—no attorneys.
5. On South Basin, DTSC, RWQCB, and OCWD will meet to discuss the scope of the OCWD interim remedy RI/FS. OCWD proposed that DTSC be the lead agency for South Basin interim remedy RI/FS. After the scoping meeting, DTSC will decide whether or not it will be the lead agency for the South Basin interim remedy RI/FS.
6. If DTSC is the lead agency for the OCWD interim remedy RI/FS, DTSC would like to enter into a Consultative Services Agreement. DTSC will send a copy of the agreement to OCWD.
7. DTSC will send a letter to request EPA to start PAs for North Basin. EPA agrees to honor DTSC’s request.
8. DTSC will send updated tables of the North Basin and South Basin source sites to RWQCB, EPA, and OCWD.

9. EPA will look into what actions were taken at Monitor Plating and share with DTSC, RWQCB, and OCWD.

10. The next meeting of the Task Force will be in February 2015

OCWD Participants

- Roy Herndon, Chief Hydrogeologist, OCWD
- David Bolin, Principal Hydrogeologist, OCWD
- Dave Mark, Project Manager/Hydrogeologist, OCWD
- Meredith Durant, Kennedy/Jenks Consultants
- Scott Sommer, Attorney for OCWD
- Paul Rigali, Arent Fox, Attorney for OCWD
- Keith Takata, Consultant

RWQCB and SWRCB Participants

- Kurt Berchtold, Executive Officer, Santa Ana RWQCB
- Ann Sturdivant, Site Cleanup, Santa Ana RWQCB
- Nick Amini, WRCE, Santa Ana RWQCB
- Julie Macedo, Attorney, Office of Enforcement, SWRCB

DTSC Participants

- Stewart Black, Deputy Director, Brownfields & Environmental Restoration
- Barbara Cook, Division Chief, Brownfields & Environmental Restoration
- John Scandura, Branch Chief, Brownfields & Environmental Restoration Program
- Rafat Abbasi, Project Manager, Brownfields & Environmental Restoration Program
- Greg Neal, Geologist, Brownfields & Environmental Restoration Program
- Emad Yemut, Supervisor, Brownfields & Environmental Restoration Program

EPA Participants

- John Lyons, Acting Assistant Director, Site Cleanup Branch
- Caleb Shaffer, Section Chief, California Site Cleanup Section
- Dusty Minor, Manager, Hazardous Waste Management Branch, Office of Regional Counsel